



MONTGOMERY McCRAKEN

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September 17, 2023

Via ECF

Honorable Paul A. Engelmayer
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: ***In re: One Apus Container Ship Incident on November 30, 2020
1:22-md-03028-PAE (lead case)***

Dear Judge Engelmayer,

We are attorneys for Chidori Ship Holding LLC and Jessica Ship Holding SA, making restricted appearances as Owners and bareboat charterers, respectively, of the M/V ONE APUS. We write jointly on behalf of all Interests – Vessel, Cargo, and NVOCCs – to provide an update and request a final extension of the pause in litigation activity.

We thank Your Honor for allowing us time and guidance on how the parties can resolve claims for the loss of hundreds of containers of cargo worth about \$100 million. This process has involved the coordination of dozens of law firms representing hundreds of interested parties. Admittedly, it has taken months to sort out how the claims could be resolved, and we have boiled all of this down to: (i) an overall Settlement Agreement with schedules of parties and claims; and (ii) a pro-forma Mutual Release, which includes entities that are not parties to the MDL legal actions. To be clear, certain VOCC Interests will benefit from, but not be signatories to, the Settlement Agreement.

At present, the Settlement Agreement itself is circulating between the lawyers for the settling parties. There have been no objections so far and only a few responses remain outstanding. The corresponding schedules of participating cargo claimants and NVOCCs are expected to be finalized this coming week. As it stands now, there will still be a very limited number of claims not included. The Mutual Release appears to be acceptable to nearly all of the lawyers. In short, we should have recommendable versions very soon.

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As we previously advised, finalizing the settlement documents, and having all of the relevant attorneys agree to them was the first step. The next step is getting all of our respective clients to agree to these settlement documents. The final step would then be for the settling parties to follow the terms of the Settlement Agreement to adjust and resolve the underlying claims.

Due to the number and location of the various participants, it could take up to 3 weeks for certain party interests to make final edits and collect all of the necessary signatures.

Accordingly, the parties respectfully request that the pause of litigation activity be extended from September 8, 2023 to October 27, 2023. Of course, we would submit the settlement agreement to the Court as soon as it is fully executed.

We thank Your Honor for your consideration and continued assistance. If there are any questions or concerns, please do not hesitate to contact the undersigned.

Respectfully submitted,

**MONTGOMERY MCCRACKEN
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/s/ Timothy Semenoro
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CC by ECF to all counsel of record